

**ASSEMBLY BILL**

**No. 1634**

**Introduced by Assembly Member Ortiz**

January 5, 1998

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An act to add Sections 462, 12517.5, 34501.17, and 34520.5 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as introduced, Ortiz. Vehicles: paratransit vehicles.

(1) Existing law defines various terms for purposes of the Vehicle Code.

This bill would define a “paratransit vehicle” for those purposes as a passenger motor vehicle, other than a bus, schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or taxicab that is operated for hire by a business, government agency, or nonprofit organization and is regularly used to provide transportation services to handicapped persons, as defined, persons with a developmental disability, as defined, individuals with disabilities who are determined to be eligible for complementary paratransit services under Title II of the Americans with Disabilities Act of 1990, and persons who are 55 years of age or older.

(2) Existing law prohibits any person from operating a schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, farm labor vehicle, or ambulance unless that person has in his or her immediate possession a driver's license, as specified, and a certificate to drive the vehicle.

This bill would prohibit a person who is employed as a driver of a paratransit vehicle from operating that vehicle unless the person (a) has in his or her immediate possession a valid driver's license of a class appropriate to the vehicle driven, endorsed for the transportation of passengers, and a valid certificate, other than a farm labor vehicle certificate, issued for one of the vehicles specified above and (b) successfully completes, on a yearly basis, 4 hours of training on the safe operation of paratransit vehicles and 4 hours of training on the special transportation needs of persons who regularly use paratransit vehicles.

The bill would require all paratransit vehicles to be regularly inspected and maintained, as specified, and would require all owners of those vehicles to document the inspection and maintenance, as specified. The bill would require all paratransit vehicles to be equipped with a first aid kit, as specified.

The bill would require all drivers of paratransit vehicles, and the employers of those drivers, to comply with specified federal regulations and other provisions relating to controlled substances and alcohol use and testing. The bill would require the employers of those drivers to participate in the pull notice system, as defined.

Because a violation of these provisions would be an infraction in some cases and a misdemeanor in other cases, the bill would impose a state-mandated local program by creating new crimes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 462 is added to the Vehicle Code,  
2 to read:



1 462. A “paratransit vehicle” is a passenger motor  
2 vehicle, other than a bus, schoolbus, school pupil activity  
3 bus, youth bus, general public paratransit vehicle, or  
4 taxicab that is both of the following:

5 (a) Operated for hire by a business, government  
6 agency, or nonprofit organization.

7 (b) Regularly used to provide transportation services  
8 to any of the following:

9 (1) Handicapped persons, as defined in Section  
10 99206.5 of the Public Utilities Code.

11 (2) Persons with a developmental disability, as defined  
12 in subdivision (a) of Section 4512 of the Welfare and  
13 Institutions Code.

14 (3) Individuals with disabilities who are determined to  
15 be eligible for complementary paratransit services under  
16 Title II of the Americans with Disabilities Act of 1990  
17 (P.L. 101-336).

18 (4) Persons who are 55 years of age or older.

19 SEC. 2. Section 12517.5 is added to the Vehicle Code,  
20 to read:

21 12517.5. A person who is employed as a driver of a  
22 paratransit vehicle shall not operate that vehicle unless  
23 the person meets both of the following requirements:

24 (a) Has in his or her immediate possession a valid  
25 driver’s license of a class appropriate to the vehicle  
26 driven, endorsed for the transportation of passengers, and  
27 a valid certificate, other than a farm labor vehicle  
28 certificate, issued under Section 12517.4 or 12527.

29 (b) Successfully completes, on a yearly basis, four  
30 hours of training on the safe operation of paratransit  
31 vehicles and four hours of training on the special  
32 transportation needs of the persons listed in subdivision  
33 (b) of Section 462.

34 SEC. 3. Section 34501.17 is added to the Vehicle Code,  
35 to read:

36 34501.17. (a) All paratransit vehicles shall be  
37 regularly and systematically inspected, maintained, and  
38 lubricated in accordance with the manufacturer’s  
39 recommendations, or more often if necessary to ensure  
40 the safe operating condition of the vehicle. The

1 maintenance shall include, at a minimum, in-depth  
2 inspection of the vehicles's brake system, steering  
3 components, lighting system, and wheels and tires, to be  
4 performed at intervals of not more than every six months  
5 or 6,000 miles, whichever occurs first.

6 (b) All owners of paratransit vehicles shall document  
7 each systematic inspection, maintenance, and lubrication  
8 and repair performed for each vehicle under this section.  
9 Required records shall include service performed, the  
10 person performing the service, the date, and the mileage  
11 on the vehicle at the time of the repair. The records shall  
12 be maintained with the vehicle for one year, and shall be  
13 presented upon demand to any authorized  
14 representative of the department.

15 (c) All paratransit vehicles shall be equipped with a  
16 first aid kit, conforming to the minimum requirements  
17 for schoolbuses. First aid kits shall be readily visible,  
18 accessible, and plainly marked "First Aid Kit."

19 SEC. 4. Section 34520.5 is added to the Vehicle Code,  
20 to read:

21 34520.5. (a) All employers of drivers who operate  
22 paratransit vehicles, and the drivers of those vehicles,  
23 shall comply with the controlled substances and alcohol  
24 use and testing requirements of the United States  
25 Secretary of Transportation as set forth in Part 382  
26 (commencing with Section 382.101) of Title 49 of the  
27 Code of Federal Regulations.

28 (b) Section 34520 is applicable to any controlled  
29 substances or alcohol testing program undertaken under  
30 this section.

31 (c) The employer of a paratransit vehicle driver shall  
32 participate in the pull notice system defined in Section  
33 1808.1.

34 SEC. 5. No reimbursement is required by this act  
35 pursuant to Section 6 of Article XIII B of the California  
36 Constitution because the only costs that may be incurred  
37 by a local agency or school district will be incurred  
38 because this act creates a new crime or infraction,  
39 eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section

1 17556 of the Government Code, or changes the definition  
2 of a crime within the meaning of Section 6 of Article  
3 XIII B of the California Constitution.

4 Notwithstanding Section 17580 of the Government  
5 Code, unless otherwise specified, the provisions of this act  
6 shall become operative on the same date that the act  
7 takes effect pursuant to the California Constitution.

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